



## ***Division of Public Health Services***

*Public Health Preparedness Services*

*Bureau of State Laboratory Services*

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JANICE K. BREWER, GOVERNOR

WILL HUMBLE, DIRECTOR

March 26, 2010

Dear Chief Wastewater Plant Operator:

It has come to our attention recently that some wastewater treatment plants in Arizona are performing testing that is reported to the Arizona Department of Environmental Quality (ADEQ), but are not licensed or exempted to perform these tests as required by Arizona law.

Pursuant to A.R.S. § 36-495.01(D), “Unless exempted by § 36-495.02, no person may operate or maintain an environmental laboratory without a license issued by the department [ADHS] pursuant to this chapter.” This statute includes federally owned wastewater treatment facilities such as those owned or operated by the Department of Defense and the Forest Service. The exemption that applies to the wastewater treatment plants pursuant to § 36-495.02(A) states, “This chapter does not apply to an environmental laboratory in this state that is: ... 3.

Performing only compliance testing of parameters which require analysis at the time of sample collection as long as the testing methodologies employed are approved by the director of the department of health services or the department of environmental quality.” These are generally parameters such as temperature, dissolved oxygen, pH, turbidity, conductivity and residual chlorine. Methods such as BOD, TSS (suspended solids), settleable solids or any microbiology test, do not qualify for this exemption and therefore, all testing for these parameters must be performed in a licensed laboratory. Details on becoming a licensed laboratory or for finding a private laboratory to test your samples can be found at [www.azdhs.gov/lab/license](http://www.azdhs.gov/lab/license).

In-line or field kit testing of dissolved oxygen, turbidity, pH, conductivity and residual chlorine by a wastewater treatment plant may meet the above exemption if the method being used is approved by ADHS or ADEQ and the time between when a sample is taken, to the time the final test reading is obtained does not take more than 15 minutes. All approved methods by ADHS require specified calibration and/or maintenance of the equipment.

ADHS is providing this notice to all wastewater treatment plants as an explanation of the current law in Arizona and for educational purposes only right now, so that facilities can ensure that they are operating within compliance. However, it is the intent of ADHS to begin performing surveys within 6-12 months with individual wastewater treatment plants to ascertain each plant’s methodology and/or need for licensure. ADHS is in the process of obtaining each plant’s permit requirements from the ADEQ to more clearly understand each plant’s testing requirements.

ADHS is currently reviewing the possibility of having one-day free training classes to discuss the current regulations, how to apply for licensure, and to discuss some of the ADHS approved methods required to be used for compliance testing. We are looking at the possibility of having this training at the following locations: Phoenix - April 22, 2010 (250 N. 17<sup>th</sup> Avenue auditorium); Yuma - April 29, 2010 (155 W. 14<sup>th</sup> Avenue, Public Works Training Room); Bullhead City - May 7, 2010; Bisbee - May 13, 2010; Tucson - May 14, 2010 (7101 N. Casa Grande Highway); Page/Jacob Wells Area - June 16, 2010; Flagstaff - June 17, 2010; Prescott - June 18, 2010; Show Low - July 1, 2010; and Globe - July 2, 2010. These training classes will occur from approximately 9:00 a.m. to 3:30 p.m. If you can host one of these training courses or have any questions, please do not hesitate to contact me at (602) 364-0735.

We are also planning additional free training classes in the Phoenix, Tucson, and Flagstaff areas for the August and/or September 2010 timeframes to have detailed discussions and demonstrations of the approved methodologies, which will include some of the instrument manufacturers. Notification of when and where these will occur will be sent out later.

Sincerely,

A handwritten signature in black ink, appearing to read "S.D. Baker", written in a cursive style.

Steven D. Baker  
Asst. Bureau Chief  
Bureau of State Laboratory Services

cc: File  
Julie Hoskin, ADEQ, QA/QC and Laboratory Services Manager